

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
APRIL 8, 2010  
COUNCIL CHAMBERS  
6:30 p.m.**

**CALL TO ORDER:** Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	STEVEN BURG	PRESENT
3 <sup>RD</sup> DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	ABSENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	JOHN N. PASQUALE, JR.	ABSENT

Town Manager, John Giles – Present  
Town Solicitor, Edward McNally – Present  
Lieutenant Christopher Workman – Present

**PUBLIC COMMENT:**

Mr. Tom Mitten gave instructions on how to use the mike when speaking at the podium.

Resident Nathan Robinson of 201 Ohio Avenue expressed his concerns regarding speeding vehicles in the area of Ohio and Baltimore Avenues. He suggested for speed bumps to be installed. He also brought up the issue of an increase in traffic going under the viaduct after business hours.

Mayor Norkavage explained one of the reasons there are no speed bumps throughout the Town is due to the request from the Elsmere Fire Company since it impedes them getting to emergencies as efficiently as possible.

Lieutenant Workman commented that the area will be monitored by a machine which counts every car, the speed the vehicle is traveling and the times which basically makes them aware of when heavier traffic is in the area. He would also give Council a report on the situation.

Councilman Burg commented on the issue that Mr. Robinson brought up regarding the speeding vehicles, which he confirmed is occurring in the area from Filbert Avenue to Ohio Avenue.

Lieutenant Workman reported officers have stepped up patrol in the area around the viaduct at night.

#### **APPROVAL OF MINUTES:**

Mayor and Council considered the approval of the Revised Minutes of the February 11, 2010 Council Meeting.

**ACTION:** A motion was made by Councilwoman Personti to approve the Revised February 11, 2010 Council Meeting with no corrections. The revision was requested by Councilman Novak which was added on page 3. The motion was seconded by Councilman Jaremchuk.

#### **VOTE:**

VOTE: 5 – 0, with 2 – Absent

Motion carried

Mayor and Council considered the approval of the Minutes of the March 11, 2010 Council Meeting.

**ACTION:** A motion was made by Councilwoman Personti to approve the Minutes of the March 11, 2010 Council Meeting with no corrections. The motion was seconded by Councilman Novak.

#### **VOTE:**

VOTE: 5 – 0, with 2 – Absent

Motion carried

## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

Mayor and Council considered for 1<sup>st</sup> and 2<sup>nd</sup> Reading of Ordinance 515.

An Ordinance providing first-time homebuyers with incentives to invest and reside in the Town of Elsmere.

**ACTION:** A motion was made by Councilman Jaremchuk to consider for 1<sup>st</sup> and 2<sup>nd</sup> Reading of Ordinance 515. The motion was seconded by Councilwoman Personti.

At this time Councilman Jaremchuk read for the record Ordinance 515. He further pointed out the word “reality” should be spelled “realty”.

Councilman Novak requested clarification on page 3 regarding the three year period in which the owner must occupy the property.

Councilman Jaremchuk remarked the sentence Councilman Novak is referring to is in the body of the Ordinance.

Councilwoman Personti explained when it was formulated it was specifically stated a pro-rated basis calculated upon the number of months is how it would be broken down upon vacating the premises or making it a rental two years after the purchase of the property.

Councilman Burg stated he fully supports Ordinance 515. He further strongly expressed his concerns in regards to having a trial basis, possibly for ninety days.

Mayor Norkavage requested a financial report from the Finance Department at the three and six month periods on how it is impacting the Town financially.

At this time there was a lengthy discussion regarding issues pertaining to Ordinance 515.

## **PUBLIC COMMENT:**

Resident Nathan Robinson of 201 Ohio Avenue commented there would need to be some lapse in time in monitoring due to the timeframe from the time of purchasing and closing on a home.

A lengthy discussion further continued regarding Ordinance. 515.

Town Manager, John Giles suggested to strike the last sentence on the Fiscal Impact Statement, and have quarterly reports provided to Mayor and Council.

**VOTE:**

VOTE: 5 – 0, with 2 – Absent

Motion carried

Mayor Norkavage will discuss with the Council her desire to solicit applications for the position of Chief of Police from qualified candidates within the Elsmere Bureau of Police.

Councilman Jaremchuk commented on the new qualifications regarding hiring a Chief of Police and how no one within the department would qualify for the position of Chief of Police under these new qualifications. He further stated he believed the Charter gives the qualifications if they go within the department and the Charter would trump any such Ordinance. It was his understanding that the new qualifications were for going outside of the department otherwise he would have vehemently fought it because going by these new qualifications there is no one within the department who is qualified to apply for Chief of Police.

Mayor Norkavage stated for the Town's best interest they need to locate the best candidate for the position whether they be a current member of the Police Department or not.

At this time a further lengthy discussion occurred regarding qualifications of hiring a Chief of Police.

Town Solicitor, Edward McNally remarked it is his view of what the Charter provides for which sets forth the minimum qualifications for appointment of the Chief of Police from within the ranks of the department. However, the Charter does not restrict the Council from adopting additional requirements for the Chief of Police position.

Lieutenant Workman explained what the requirements were the last time a Chief of Police was hired and how it was handled.

Mr. McNally read from the Charter regarding the requirements of the hiring of the Chief of Police.

At this time a very lengthy discussion ensued.

Mr. Giles stated for the record the document that this Council voted 7 – 0 in favor of concerning the qualifications of the Chief of Police was not an Ordinance or Resolution.

Lieutenant Workman asked if it was taken into consideration when the new qualifications were drawn up to hire a Chief of Police, if it was known that no one currently in the department would fit two of the qualifications that were included in the new qualifications even though two individuals are eligible.

Councilman Jaremchuk stated for the record that if we proceed with advertising within the department based on minimum requirements in Section 702 of the Charter and also the police chief qualifications, that there is no one within the department that is qualified to apply.

Mr. Giles stated for the record he drafted the memorandum on behalf of Mayor Norkavage and thought he followed the directions in including both because there was initially the Charter which talked about the qualifications of the Chief and then based on the March 11, 2010 vote by council where they said these are also qualifications of the Chief. He further stated Lieutenant Workman mentioned to him that nobody from the department meets the qualifications and wanted to know why this was even being posted.

Councilman Jaremchuk remarked the memorandum has Mayor Deborah Norkavage's name on it, so as far as he is concerned she is the writer of the memorandum.

Mayor Norkavage stated she strongly felt the Chief of Police should have at least a Bachelor's Degree.

Mr. McNally made a procedure suggestion for the Town to take applications for Chief of Police, then it would be up to Town Council if it is satisfactory to Council then they should consider what criteria's would be considered or not then vote on that and decide whether to accept that person or not.

Mr. Giles and Councilman Jaremchuk strongly expressed their disagreements regarding one another's opinions.

Councilman Burg stated that in the approved March 11, 2010 Council Meeting Minutes, the Mayor reported on the progress of the committee appointed to define what, if any qualifications in addition to those contained in the Charter. The only two changes that were made in that were to define the word "command", and to go from six years under experience to seven to ten years. Also there was a motion made to accept the Elsmere Chief of Police Requirements with the two changes added. The motion was seconded and passed 7 – 0 in favor.

With that being said, the Chief of Police Requirements would be in addition to the Charter.

Lieutenant Workman brought it to Mayor and Council's attention that no one from the department would be eligible under these qualifications.

After further discussion ensued, Councilman Burg called the question but everyone continued speaking.

Mr. Giles explained that the consequences of what was passed on March 11, 2010, means that no one within the police department today can qualify for this position. The question is, if the Council has any desire to change what was passed on March 11, 2010, to allow the current officers to be included or not, which is the issue.

Mr. McNally echoed Mr. Giles suggestion on the procedurally correct way to go. Therefore, the qualifications that were added could be withdrawn.

Councilwoman Personti stated for the record the Dover Police Chief does not have a Bachelor's Degree.

**ACTION:** A motion was made by Councilman Jaremchuk to open up the position of Chief of Police to the personnel within the Elsmere Police Department based on the qualifications in Section 702 of the Charter. The motion was seconded by Councilwoman Personti.

**VOTE:**

1<sup>st</sup> District Councilman Jaremchuk – Yes, 2<sup>nd</sup> District Councilman Burg – No. 3<sup>rd</sup> District Councilman Novak – No, 4<sup>th</sup> District Councilman McKewen – Absent, 5<sup>th</sup> District Councilwoman Personti - Yes, 6<sup>th</sup> District Councilman Pasquale – Absent, Mayor Norkavage – No

Councilman Burg voted no since he feels it should be up to Mayor and Council on what the qualifications should be.

Councilman Novak voted no because he feels it was discussed before and his thoughts were that it included the Police Chief's qualifications.

Mayor Norkavage commented she voted no since she stated she was going to make another motion.

**VOTE:**

VOTE: 2 – Yes, 3 - No, with 2 – Absent      Motion denied

**ACTION:** A motion was made by Mayor Norkavage to accept applications for the Chief of Police position from qualified officers within the Public Safety Department therefore any officer believing they are qualified for appointment to the office of Chief of Police and wishing to be considered for appointment to that position should apply to Mayor Norkavage in the form of a resume. Applications must be returned to Mayor Norkavage no later than 4:00 p.m. on Thursday, April 29, 2010. The resumes of all interested officers will be forwarded to the entire Council for their review and an interview of all applicants will be held during Executive Session at the May 13, 2010 Council Meeting. All applicants must attend that meeting or will forfeit any further consideration for appointment and will be disqualified. The motion was seconded by Councilman Novak.

**VOTE:**

1<sup>st</sup> District Councilman Jaremchuk – Yes, 2<sup>nd</sup> District Councilman Burg – Yes, 3<sup>rd</sup> District Councilman Novak – Yes, 4<sup>th</sup> District Councilman McKewen – Absent, 5<sup>th</sup> District Councilwoman Personti - Yes, 6<sup>th</sup> District Councilman Pasquale – Absent, Mayor Norkavage – Yes

VOTE: 5 – 0, with 2 – Absent      Motion carried

**DEPARTMENTAL REPORTS:**

**Code:**

Mr. Giles reported Mr. Brian Swift was hired as the new full-time Code Officer.

Mayor Norkavage asked if the Town had an Ordinance that restricts parking on grassy areas of people's lawns. She further asked Lieutenant Workman if vehicles that are parked on private property with expired tags are untouchable.

Lieutenant Workman replied unless they are a health or safety hazard. Also, if the vehicle is inoperable or being worked on and is on private property, they can make application to Code in order to keep it there for thirty days before it has to be moved.

**Finance:**

Mr. Giles reported application was made today for reimbursement of Federal assistance money for the snow storm. They are only doing refunds for snow removal for a 48 hour period even though the entire State spent four days trying to clean up. Other avenues are being pursued also, as well as working with FEMA and DEMA to get the most amount of reimbursement possible.

**Public Safety:**

Lieutenant Workman reported there was a typo under Miscellaneous, Item Number IV, should have included an "I" in the word public.

Lieutenant Workman also reported on the possible implementation of the requested changes in the rank, pay scale structure and directives for the 2010-2011 Budget.

Mayor Norkavage brought it to Lieutenant Workman's attention the incorrect date on the Public Safety Monthly Report which is listed as January 2010, but should be March 2010. Lieutenant Workman confirmed it should be listed as March 2010.

Councilman Novak thanked the Public Safety Department for their assistance regarding an ongoing problem that had occurred in the 3<sup>rd</sup> district.

Mayor Norkavage asked about the individual who was responsible for the graffiti was going to be doing public service.

Lieutenant Workman reported there hasn't been any recently, but normally Probation and Parole will contact him and he forwards the information on to Mr. Giles in order for the hours to be set up that the individual would need to serve.

Mayor Norkavage further inquired about the graffiti camera.

Lieutenant Workman responded that it doesn't work very well.

Councilwoman Personti also thanked Lieutenant Workman for handling the issue regarding the suspicious person in her district.

Councilman Burg asked if every vehicle is equipment with radar guns.

Lieutenant Workman responded there are only two radar guns.



**Public Works:**

Mr. Giles reported the potholes throughout the Town are being worked on, the Dog Park is being cleaned up and some painting is being done at Town Hall. Paoli Services' contract became effective as of April 1, 2010, but they actually started doing work on April 5, 2010.

Mr. Giles spoke about Silverbrook Run in the area of Rosemont, which would be looked into further.

**Town Manager's Report:**

Mr. Giles asked Mayor and Council to authorize the Police Department to transfer to the Town side the 60" Mitsubishi flat television that was part of a forfeiture order issued by the court on May 22, 2009. The purpose would be for emergencies and would be mounted on the wall in Council Chambers.

**ACTION:** A motion was made by Councilman Jaremchuk to authorize the Police Department to transfer to the Town side the 60" Mitsubishi flat television for emergency purposes. The motion was seconded by Councilman Novak.

**VOTE:**

VOTE: 5 – 0, with 2 – Absent

Motion carried

Mr. Giles reported on Senate Bill 234 which is for mandatory curbside recycling.

Mr. Tom Mitten who is on the Cherry Island Waste Authority Board gave a brief explanation of the Senate Bill Mr. Giles had previously referred to.

Mr. Giles also brought up the issue of current bills in both State and Federal Governments that would require if there were two or more police officers employed in any municipality to engage in collective bargaining.

Mr. Giles mentioned he would be on vacation next week and out of the country starting next Friday and to contact Tina Law in his absence.

Mr. Giles also reported the Elsmere Fire Company would not be able to participate in the Town Wide Clean Up Day, due to it being the weekend for fire school.

At this time Tina Law gave an update on the Town Wide Clean Up Day and is also trying to get in touch with the local area Boy Scouts and Eagle Scouts for volunteers.

Mr. Giles also mentioned about the shirts being purchased which would be different for the owners of the businesses that are volunteering and also for Mayor and Council.

Lieutenant Workman reported he is off tomorrow since he will be assisting with the fundraiser in Oceanview, regarding the Delaware Law Enforcement Memorial that will be dedicated on May 3, 2010.

Councilwoman Personti asked if it was looked into with the County Program that was used last summer.

Mr. Giles reported the contact personnel from last year are no longer there and we are having a hard time getting in touch with someone who runs the program.

Mr. Tom Mitten would look into getting the information for Mr. Giles regarding the Summer Youth Program.

Mr. Giles recommended scheduling a single budget hearing on a Saturday as opposed to having several meetings.

**PUBLIC COMMENT:**

Resident Mr. Jerry Wilson of 5 Marvillo Avenue asked if there was an Ordinance regarding the loud mufflers on vehicles since there are numerous vehicles with these mufflers in the Vilone Village area. He further brought up the issue of insurance companies tacking on a \$200 flood insurance.

Councilman Burg brought up the issue of the paint palette regarding businesses, if it would be looked into further.

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilwoman Personti to adjourn. The motion was seconded by Councilman Burg.

**VOTE:**

VOTE: 5 – 0, with 2 – Absent

Motion carried

The meeting was adjourned at 8:22 p.m.

At this time the meeting was adjourned.

**These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.**

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**DEBORAH A. NORKAVAGE  
MAYOR**

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**JOANN I. PERSONTI  
SECRETARY**